

Message Text

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PAGE 01 STATE 049025
ORIGIN NEA-10

INFO OCT-01 ISO-00 L-03 PA-01 COME-00 MMO-01 /016 R

DRAFTED BY NEA/ARP:D M WINN/NEA/P/FOI:W HARRIS:LB
APPROVED BY NEA/ARP:J W TWINAM
USDOC/WTDR:F SHEEHAN
L/NEA:T M PEAY
PA/FOI:J WOOD
L/M:J SMITH

-----042747 260623Z /10

R 242337Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY ABU DHABI

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E.O. 11652: N/A

TAGS: BBAK, TC

SUBJECT: BHATIA WTDR REPORT AND SOURCE CONFIDENTIALITY

REFERENCES: (A) ABU DHABI 304, (B) STATE 32281

1. FOLLOWING ARE RESPONSES TO QUESTIONS POSED PARA 4, REF A.
2. USDOC BRIEFS WTDR RECIPIENTS ON CASE-BY-CASE, DISCRETIONARY BASIS, IN INTEREST OF KEEPING BUSINESS COMMUNITY INFORMED. CONFIDENTIAL SOURCES, HOWEVER, ARE NOT REVEALED.
3. WITH REGARD TO APPLICABILITY OF FEDERAL CREDIT REPORTING LEGISLATION, THE CONSUMER CREDIT PROTECTION ACT DOES NOT APPEAR TO APPLY TO THIS MATTER PRIMARILY BECAUSE BHATIA, WHO PRESUMABLY IS NEITHER A U.S. CITIZEN NOR

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RESIDENT, WOULD NOT QUALIFY AS A "CONSUMER" WITHIN THE SCOPE OF PROTECTION OF THAT STATUTE. NOR DOES IT APPEAR THAT THE COMMERCE DEPARTMENT'S WTDR ACTIVITIES FALL WITHIN THE SCOPE OF THE STATUTORY REQUIREMENTS RELATING TO DISCLOSURE OF SOURCES OF INFORMATION CONTAINED IN CONSUMER REPORTS.

4. FREEDOM OF INFORMATION ACT (FOIA) IS GERMANE TO YOUR

CONCERN RE PROTECTION OF WTDR SOURCE CONFIDENTIALITY. IF REQUEST SHOULD BE MADE UNDER FOIA FOR ALL INFORMATION LEADING TO PREPARATION OF REPORT, WE WOULD HAVE TO REVIEW ALL RELEVANT, EXISTING DOCUMENTS ON FILE HERE AND IN FIELD AS TO RELEASABILITY OF EACH. DECISIONS ON EACH WOULD BE BASED ON OUR JUDGMENT WHETHER IT MET CRITERIA FOR ANY EXEMPTION UNDER LAW. PRESENT LEGAL SITUATION NOT AS CLEAR AS WE WOULD LIKE ON THIS TYPE CASE. DEPENDING ON FORM, CLASSIFICATION AND CONTENTS OF EACH, WE MIGHT BE ABLE TO DELETE IDENTITY OF SENSITIVE SOURCE OR DENY ENTIRE DOCUMENT ON GROUNDS THAT SUCH: 1) WOULD CONSTITUTE A CLEARLY UNWARRANTED INVASION OF PERSONAL PRIVACY (U.S.C. 552 (B)(6); OR, 2) IS A INTER- OR INTRA-AGENCY MEMO (552 (B) (5); OR, 3) POSSIBLY EVEN THAT IT WOULD BE DAMAGING TO OUR FOREIGN RELATIONS AND THUS PROPERLY CLASSIFIED (552 (B) (1)). NEW EXECUTIVE ORDER ON CLASSIFICATION, WHICH DUE TO BE SIGNED NEAR FUTURE, SHOULD HELP SIGNIFICANTLY. DRAFT ORDER CONTAINS PROVISION, EXPRESSLY DRAFTED WITH SUCH CASES AS YOURS IN MIND, WHICH, IF APPROVED, WILL PERMIT CLASSIFICATION (AND THUS DENIAL UNDER FOIA) OF INFORMATION WHICH WOULD DISCLOSE IDENTITY OF A CONFIDENTIAL FOREIGN (INCLUDING NON-GOVERNMENTAL) SOURCE OF THE DEPARTMENT OR A U.S. DIPLOMATIC OR CONSULAR POST. NOTE HOWEVER THAT THIS APPLIES ONLY TO FOREIGN REPEAT FOREIGN SOURCES.

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5. SUGGEST YOU LET US KNOW SHOULD YOU LEARN BHATIA INTENDS FILE FOI REQUEST.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 24 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: D M WINN/NEA/P/FOI:W HARRIS:LB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780088-1059
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780214/aaaaaljq.tel
Line Count: 98
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Litigation Codes:
Litigation History:
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Message ID: fbacb5cf-c288-dd11-92da-001cc4696bcc
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Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
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Secure: OPEN
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